

REGULAR CITY COUNCIL MEETING
JANUARY 9, 1989

PRESENT

Ruth Hansen
Gayle Bunker
David Church
Don Dafoe

Mayor
Council Member
Council Member
Council Member

ABSENT

Wesley Bloomfield
Rex T. Harris
Richard Waddingham

Council Member
Council Member
City Attorney

OTHERS PRESENT

Dorothy Jeffery
Neil Forster
Doyle Bender
Rita Byrd
Virginia Taylor
Clinton Tolbert
Mr. & Mrs. C. B. Tolbert
Bryce Ashby
Gordon Searle
Arda Avalos
Janice Burkhead
Robert Burkhead
Roger Young

City Recorder
Public Works Director
City Treasurer
Public Works Secretary
Deputy Recorder
B Kitten Klean Car Wash
B Kitten Klean Car Wash
Delta Fire Chief
Wagon Wheel Lounge
Wagon Wheel Lounge
Wagon Wheel Lounge
Wagon Wheel Lounge
Chief of Police

Mayor Hansen called the meeting to order at 7:00 p.m. Dorothy Jeffery, City Recorder, acted as secretary. Mayor Hansen stated that notice of the meeting time, place and agenda was posted at the principal office of the governing body located at 76 North 200 West and was provided to the Millard County Chronicle/Progress, the local radio station, KNAK, and to each member of the City Council by personal delivery two days prior to the meeting.

MINUTES

There were no minutes presented at this meeting.

ACCOUNTS PAYABLE

The Council reviewed the accounts payable, a list of which had been given to them two days prior to the meeting. Following a brief discussion of the accounts payable, Council Member Gayle Bunker MOVED that the accounts payable be approved for payment as listed in the amount of \$31,530, also the Delta Fire Department's Accounts Payable in the amount of \$5,070.47. The motion was SECONDED by Council Member Don Dafoe. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

CLINTON TOLBERT: REQUEST FOR ADJUSTMENT OF BUSINESS LICENSE FEE ON B KITTEN KLEAN TRAILER PARK

Mayor Hansen asked Mr. Tolbert to address the Council regarding a request for a business license fee adjustment on the B Kitten Klean Car Wash and Trailer Park.

Mr. C. B. Tolbert acted as spokesman for Mr. Clinton Tolbert and the B Kitten Klean Car Wash and Trailer Park. Mr. Tolbert reported that business at the trailer park has decreased over the past few months and requested that the City Council reduce the business license fee for the Trailer Park and issue a business license for ten trailer spaces only.

In the past, the B Kitten Klean Trailer Park has been issued a business license for 30 spaces with a fee of \$25.00 for the first space and \$5.00 for each additional space.

Mr. Tolbert was agreeable with the business license fee of \$80 for the Car Wash.

Following brief discussion, Council Member Gayle Bunker MOVED to adjust the business license fee for the B Kitten Klean Trailer Park to 15 Units with the provision that if the park usage increases more than 15 trailers, Mr. Tolbert will pay for any additional spaces rented. The motion was SECONDED by Council Member Don Dafoe. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

CHIEF OF POLICE ROGER YOUNG: BUSINESS LICENSE OF ARDA AVALOS, DBA THE WAGON WHEEL LOUNGE

Mayor Hansen asked Chief Roger Young to discuss with the Council Arda Avalos' business license application for the Wagon Wheel Lounge.

Chief Roger Young presented the following recommendation to the Council:

TO: Delta City Council
FROM: Chief Roger J. Young
DATE: December 28, 1988
RE: Business License - Wagon Wheel Lounge

The attached application was received by this office on December 15, 1988, and a background investigation of the applicant, Arda Avalos, was conducted as required per the Revised Delta City Ordinances Section 9-424.

A background check of Ms. Avalos indicated that she has not been arrested or convicted of any felony in the previous four years nor has she been arrested or convicted of any violation of law in regards to the keeping of a gambling or disorderly house. Ms. Avalos has not been arrested nor convicted on any violation that relates to alcohol. In conducting the background investigation, this office could not find any indication that Ms. Avalos has managed a lounge in the past, so it is unknown of her capabilities to do so.

The Wagon Wheel is frequented by our local citizens who desire to consume alcoholic beverages. The business has as a general rule, operated in a quiet and orderly manner. The Wagon Wheel Lounge has had problems in the past with the last managers, Gordon and Arvella Searle, with charges of operating gambling machines and violations of City Ordinances. On January 1, 1986, the business was found to be still open for business at 0245 hours by two officers of the Delta City Police Department. At that time, the manager was warned by the officers to close and was not given a citation for the violation. On October 16, 1986, the business was found to be in possession of gambling devices and was later convicted in Court. The manager was given a six month probation in 1988 on a license revocation appeal by the Delta City Council. On August 25, 1988, the manager was found to be in violation of the probation terms and has subsequently lost the license to the Wagon Wheel Lounge.

It is the understanding of this officer that there is a lease agreement between the owner of the building, Ray Oberhansley, and the past manager, Arvella Searle. It was my understanding that the decision of the Delta City Council on the revocation of the license of Ms. Searle was that she no longer have any ties with the Wagon Wheel Lounge. Therefore, it would be my recommendation that before a license be considered for Ms. Avalos, that the lease agreement between Ms. Searle and Mr. Oberhansley be dissolved and a new written lease agreement be submitted to the Delta City Council by Ms. Avalos indicating that she now has the lease and that Ms. Searle no longer holds any interest in the

business or the building. It should be noted that Ms. Avalos is the sister of Ms. Searle and I feel that the new written lease should be considered by the Delta City Council before approval of the license.

Based on the background investigation of Ms. Avalos, I have not found any reason to deny the applicant a license as manager for the Wagon Wheel Lounge. I would, however, encourage the Delta City Council to consider the lease agreement as previously mentioned.

Roger J. Young
Chief of Police
Delta City

Gordon Searle provided a copy of a Lease Agreement between M. Ray Oberhansley and Arda Avalos effective January 1, 1989, until December 31, 1989.

Chief Young said that it is his understanding from the Council that Mr. & Mrs. Searle are not to participate in ownership or management of the Wagon Wheel Lounge but they may be employees of the Lounge. The Council concurred.

Council Member David Church MOVED to approve a Class B Beer License as well as a business license for Arda Avalos and the Wagon Wheel Lounge. The motion was SECONDED by Council Member Gayle Bunker. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

Council Member Gayle Bunker cautioned Ms. Avalos to abide by the Delta City Ordinances to avoid any future problems.

MAYOR RUTH HANSEN: DELTA CITY POLICE DEPARTMENT'S POLICIES AND PROCEDURES MANUAL

Mayor Ruth Hansen asked Chief of Police Roger Young to discuss with the Council a proposed Delta City Police Department Policies and Procedures Manual to the Council.

Following review of the proposed Policies and Procedures Manual, Council Members made the following recommendations:

1. Each Police Officer be evaluated yearly by Chief of Police. (Not specified in the manual but should be included.)
2. Middle School aged kids should not be handcuffed, especially at school and in the presence of others causing an unnecessary scene. (If circumstances permit, wait until just before putting individual into car for transporting.) The Council concurred and asked Chief Young to review this procedure with the other officers.

3. Offensive and/or abusive language should not be used when dealing with the public.

Chief Young said that he and City Attorney Waddingham reviewed the manual to ensure its compliance with Delta City's Personnel Policy.

Following brief discussion, Council Member David Church MOVED to approve the Delta City Police Department Policies and Procedures Manual with the above recommendations. The motion was SECONDED by Council Member Gayle Bunker. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

PUBLIC WORKS DIRECTOR NEIL FORSTER: FAA'S REQUEST FOR DELTA CITY TO PAY POWER COSTS ON PROPOSED AUTOMATIC WEATHER REPORTING STATION

Mayor Hansen asked Public Works Director Neil Forster to discuss a request from the FAA.

Public Works Director Neil Forster stated that the State of Utah Division of Aeronautics would like to install an Automatic Weather Reporting Station (AWAS) at the Delta Municipal Airport. Delta City would be required to pay power costs for the station.

Mr. Forster said that Vince Crawford, Utah Power & Light Co., estimated that the power would cost approximately \$40 per month. The State would pay installation, maintenance and telephone costs of the station.

The only other AWAS in the State is located in Blanding and has been in operation for approximately six months.

Council felt the AWAS would be advantageous for the area and authorized Neil Forster to commit Delta City to pay for power costs.

Council Member David Church MOVED that Delta City pay power costs on an Automatic Weather Reporting Station to be located at the Delta Municipal Airport but actively pursue another means or source of payment. The motion was SECONDED by Council Member Don Dafoe. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

MAYOR RUTH HANSEN: RECOMMENDATION FOR BOARD OF ADJUSTMENT MEMBERS

Mayor Hansen said that two Board of Adjustment members need to be replaced and asked the Council to be thinking of individuals who might be willing to serve.

Council Member David Church reminded the Council that a Planning Commission Member should also be appointed to the Board of Adjustments.

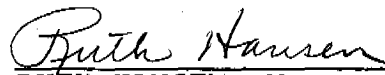
No decisions were made. This item will be discussed at the next regular City Council meeting.

OTHER BUSINESS

Council Member Gayle Bunker asked about the status of the West Delta Annexation and asked Neil Forster to follow up on Jim Edward's survey of the proposed annexation area.

Council Member Don Dafoe asked about ownership of property located near White Sage. Neil Forster and Mr. Dafoe agreed to meet and discuss this issue at another time.

Mayor Hansen asked if there were any further comments, questions or items to be discussed. There being none, Council Member David Church MOVED to adjourn. The motion was SECONDED by Council Member Gayle Bunker. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously. Mayor Hansen declared the meeting adjourned at 7:55 p.m.


RUTH HANSEN, Mayor


DOROTHY JEFFERY
Delta City Recorder

MINUTES APPROVED: RCCM 2-13-89